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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,574	09/26/2001	Karen Jeanne Pelletier	8285/455	5697

7590

03/08/2004

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EXAMINER
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SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
2645	12

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

966574

Applicant(s)

Pelletier, K. J. et al

Examiner

Smith, C. H

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 22 DEC '03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed in** accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 17-37 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 17-37 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Claims 35-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The newly added language to claims of "wherein the first telephone call is placed to a third telephone number not corresponding to any of the plurality of destination options" is not found in the spec. The only disclosure that examiner can find in the spec is that the 3<sup>rd</sup> phone number is one that is chosen by the calling party from the menu that the user is presenting to the calling party for him/her to chose to forward the phone call. Applicant is required to point out where in the spec that this disclosure can be found. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-34 rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry et al'356.

McKendry et al's apparatus discloses a call forwarding system that allows the calling party the forward their phone call to a secondary location, col. 2, lines 45-50, and not the user of the call forwarding service to forward the phone call to the secondary location. McKendry et al does this by employing a personal call manager (PCM) in his network that will provide a menu to the calling party during the 1<sup>st</sup> phone

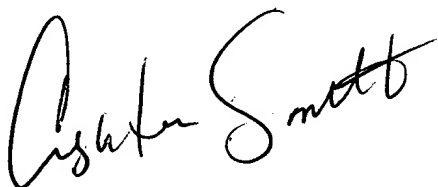
call. McKendry et al PCM provides a caller with options for routing the call, both to local extensions on the owner's premises and to remote extensions, col. 5, lines 26-21. In col. 8, lines 25-35, McKendry et al disclose that their PCM can either route the call directly, (such as disclosed in the prior art call forwarding) or provide a menu to the caller. In col. 13, lines 35-41, McKendry et al disclose that PCM presents the caller with a menu of call routing options. The menu of call routing options permits the caller to route the call, i.e., selectively call forward the call, to other extensions, e.g., pager, CO voice mail, or perhaps another of central office's services. McKendry et al PCM is deemed a server because it serves information to the calling about where the calling party wishes their second call to be forwarded. The PCM (100) is also "in a telephone network" because it is physically connected by copper wires to fax, answering machine, modem. McKendry et al do not disclose that the plurality of destination options that the calling party has to choose from include a family's residence, 1<sup>st</sup> & 2<sup>nd</sup> family members other than at the residence. In col. 29, lines 35-40, McKendry et al disclose that the individual owners can configure the PCM to provide call routing based on an individual owner's requirements. Also, in col. 36, lines 15-23, McKendry et al disclose that the menu messages are prerecorded by the user and are customized to the user's preference, thus meaning that the forwarded call go anywhere the user wishes. In col. 37, lines 28-32, McKendry et al disclose that the caller has dialed a single number but is provided access to a variety of telephone instruments that may each have a different telephone number. Therefore, it would have been obvious to one having ordinary skill in the art to have configured McKendry et al PCM to have a menu that will permit the

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calling party to choose to route the call to PCM owner's family residence, or to other family members not at the family residence. The motivation for this modification is provided in col. 29 supra.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foladare et al, Dunn et al, Srinivasan

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

A handwritten signature in black ink, appearing to read "Creighton h Smith". The signature is written in a cursive, flowing style with a large initial "C".

Creighton h Smith  
Primary Examiner  
Art Unit 2645